

ON BEING MENTIONED

ORDER:

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Today, on being mentioned, the matter is taken up for hearing and after hearing the learned counsel for the petitioner, the following order is passed.

This writ petition is filed to declare the action of the respondents in taking steps to evict the petitioner from the land in survey No.1127 extent of Ac.5.00 situated in Bayyaram village and Mandal, Khammam District and direct the respondents not to interfere with the afore said possession of the petitioner.

It is submitted that then Tahsildar, Yellandu granted patta in file No.72/11 of 1355 Fasli dated 2.12.1355 Fasli on the name of Mandanapu Ramaiah. The land in Survey No.1127 in Bayyaram village and Mandal in an extent of Ac.5.00 cents of land is a Gairan land i.e. grazing land. The Khasra Pahani for the year 1954-55 prepared for the said land. In the Khasra Pahani also it is stated about the grant of patta by the Tahsildar in the year 1945. It is informed by Ramaiah that the patta was given to the then patwari of the village and accordingly patta was granted to him, and the said land was in his possession.

Further, the said land is a grazing land. Later, Ramaiah brought the land into cultivation and raising dry crops. The petitioner submits that he purchased an extent of Ac.5.00 of land on 20.01.1969 under sada sale deed and paid total sale consideration. Thereafter, he is continuing in possession of the same and paying land revenue to the Government. Since 1969 onwards, the petitioner is in possession and enjoyment over the said land and raising crops, which is the source of his livelihood.

While things stood thus, some political leaders are threatening him not to cultivate the land on the ground that it belongs to Government. Therefore, he lodged a complaint on 12.07.2005 to the Sub-Inspector of Police, Bayyaram Police Station to take appropriate action. On 23.07.2005 the staff of the third

respondent visited his land and taken measurements of his land, for which the petitioner objected the same.

Now, the petitioner apprehends that the third respondent had recommended to the first respondent to distribute his land under the land distributing programme. In that event, the petitioner apprehends that he will be evicted from the saidland on the ground that it belongs to the Government. Therefore, the present writ petition is filed.

Considering the facts and circumstances of the case, without going into the merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the respondents not to interfere with the possession and enjoyment of the petitioner over the land in question or dispossess the petitioner from the land in an extent of Ac.5.00 cents in surveyNo.1127 of Bayyaram village and Mandal, Khammam District, without following due process of law.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

(ELIPE DHARMA RAO, J)

Date: 02.01.2006.

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